



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

IN REPLY REFER TO:

3809
U-69380
UT-023

5/003/020
MAY 29 2003

Certified Mail Number 7002 2030 0002 9628 9310
Return Receipt Requested

Mr. Gary Mullard
Northern Stone Supply, Inc.
P.O. Box 249
Oakley, ID 83346

RECEIVED

MAY 30 2003

DIV. OF OIL, GAS & MINING

Dear Mr. Mullard:

On April 24, 2003 we received information sufficient to complete your Plan Amendment for quarrying and stockpiling activities on your Turquoise Stone Placer Mining Claims No. 1, Turquoise Stone Mill Site No. 1, No. 2, No. 3 and No. 4 located in Section 18, T. 13 N., R. 13 W., (UMC 132860, 132861 and 347327-347329). During the preparation of an Environmental Assessment for your proposed Plan Amendment, three alternatives were considered: 1) Alternative 'A', the "Proposed Action"; 2) Alternative 'B', Bureau of Land Management's (BLM) "Preferred Alternative"; and 3) Alternative 'C', the "No Action" Alternative. As a result of the analyses, BLM's Preferred Alternative was determined to be the chosen alternative. Alternative B includes the following important changes from the Proposed Action:

1. BLM will allow Northern Stone Supply to expand the operation from a previously authorized 6.5 acres to an operation 15.81 acres in size, including the expansion of the milling operation onto the eastern half of the Turquoise Stone Mill Site No. 4.
2. The prior location of the crushing/screening operation on Millsite No. 3 will need to be reclaimed. All future surface disturbance will require saving the top 6 inches of topsoil for reclamation purposes.
3. The operator will be required to replace the bottom strand of barbed wire with smooth wire as was originally approved in the prior Plan approval.
4. Due to the cumulative effect of prior construction that has resulted in the "channelizing" of Rock Creek, all future construction will have to take place outside the 100 yard buffer area along either side of Rock Creek.

Your Plan Amendment is hereby approved, subject to the following stipulations which were developed in BLM's Preferred Alternative B:

1. To reduce surface/vegetation disturbance, access to and from the quarry area shall be confined to existing routes of travel.
2. All haul trucks, loaders, and other associated vehicles shall stay within the designated quarry or mill site areas, as outlined in the Amendment. Overnight parking and storage of equipment/materials shall be confined to these areas.
3. To prevent infestation of noxious weeds in the main cabin, crew quarters, quarry and mill site areas and to reduce the spread of noxious weeds onto or from BLM lands, the operator shall be required to survey the quarries, mill site areas and access roads during early summer of each year of operation for noxious weeds and treat any found before flowering and after the first frost during each year of operation and for five years after the authorized operation ends. The operator must use a herbicide, or combination of herbicides, using a treatment method acceptable to the BLM (in writing) at application rates which are appropriate to the species found. Herbicide treatments must be conducted by a certified pesticide applicator, who is certified by the State of Utah. The operator must demonstrate to the BLM that the spraying operation is being carried out and is successful and must provide an annual report to the BLM describing the previous years noxious weed survey and treatment activities.
4. During final and interim reclamation, the operator will be required to reseed all reclaimed areas with pure live seed between the period between October 15 and November 30. The operator will be required to use the following seed mixture that was prepared by the Utah Division of Oil, Gas and Mining and the BLM.

Common Name	Scientific Name	lbs/acre
Thickspike wheatgrass	<u>Agropyron dasystachum</u>	2.0
Bluebunch wheatgrass	<u>Agropyron spicatum</u>	2.0
Intermediate wheatgrass	<u>Agropyron intermedium</u>	2.0
'Paiute' orchard grass	<u>Dactylis glomerata</u>	0.5
Basin wildrye	<u>Elymus cinereus</u>	1.5
Indian ricegrass	<u>Oryzopsis hymenoides</u>	1.5
Ladak alfalfa	<u>Medicago sativa</u>	1.0
Palmer penstemon	<u>Penstemon palmeri</u>	0.5
Small burnet	<u>Sanguisorba minor</u>	1.5
Wyoming big sagebrush	<u>Artemesia tridentata wyomingensis</u>	0.1
Rubber rabbitbrush	<u>Chrysothamnus nauseosus</u>	0.5
Total:		12.1 lbs/acre

5. Within 30 days of Plan approval, the operator is required to remove the bottom barbed wire from all fencing and replace with smooth wire, consistent with BLM "Fences" Handbook (1988), p. 147.
6. The proponent shall affect a minimum of vegetative and soil disturbance consistent with practical quarrying operations.

7. The operator is required to excavate the top six inches of topsoil prior to the installation of the crusher and screen plant within east half of the Turquoise Stone Mill Site No. 4. This topsoil material must be stockpiled with the long axes directed into the prevailing wind to decrease the potential for wind erosion. The topsoil stockpile must be seeded using the seed mixture listed in Stipulation #5 (above).
8. During the fall of 2003 (October 15-November 30), the operator is required to rip and revegetate the western half of the Turquoise Stone Mill Site #4, using the seed mix in Stipulation #4. After this area has been reclaimed and revegetated, the operator is required to install standard "tee posts" (regular steel fence posts) at 25-foot intervals through the middle of the mill site (north-south).
9. The operator is required to stockpile any cobbles, boulders or other large rock materials excavated during topsoil removal within the Turquoise Stone Mill Site No. 4 for use in final reclamation of the site. None of this material may be removed from the claim area.
10. The proponent is not authorized to store any debris or inoperable equipment on the mining claim.
11. BLM will establish and conduct macro-invertebrate water quality monitoring stations in the stream (Rock Creek) above and below the impact area. Based on the results of this monitoring, the BLM will identify any needed future changes to the mining operation which will prevent unnecessary or undue degradation to Public Lands.
12. The operator is not authorized to use the pit-type toilet adjacent to his main cabin, but must remove the main structure from the claim area. The human waste within the earthen pit must be properly disposed of by pumping the fluids using an appropriate pumping service. Materials left after pumping must be excavated and disposed of at an appropriate facility pursuant to Box Elder County regulations. The operator must also submit to this office a receipt from the pumping service to verify that the pit was properly pumped. Before backfilling the pit, the operator must contact this office so that a field inspection of the site can be completed. The operator is not authorized to bury the solid human wastes on site or anywhere on Public Lands. For the management of future human wastes, the operator is only authorized to use a portable chemical toilet at the mine site. The portable chemical toilet must be regularly maintained and the contents of which shall not be allowed to overflow or be discharged onto or be buried on Public Lands. The operator is not authorized to erect any additional pit toilets, outhouses or other type of structure for use in handling this human waste.
13. The operator's continued use of the "restored stockpile area" as a trash disposal site and burn area is not authorized. Any trash or other wastes must be regularly removed from the mine and mill site areas and disposed of in an authorized disposal facility, not on Public Land.
14. The proponent shall maintain the site free of trash and refuse during operations and at the termination of project activities.

15. No hazardous material (other than that listed by the operator in the proposed action) shall be stored or disposed of on-site. Petroleum spills of one-half quart or more will be immediately cleaned up and properly disposed of. For larger spills, the operator must contact the Salt Lake Field Office within 24 hours so that BLM hazardous material clean up policies and procedures are complied with.
16. During operations, the operator will notify the BLM of any fires immediately and comply with all rules and regulations administered by the BLM concerning the use, prevention and suppression of fires on federal lands. In the event of a fire, personal safety will be the first priority of the operator. The operator will initiate fire suppression actions in the work area to prevent fire spread to federally administered lands. Fire extinguishers that are rated (minimum) as ABC – 5 pound will be available on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with fire extinguishers, all will cease fire suppression action and leave the area immediately via pre-identified escape routes. To notify the BLM, the operator is required to contact the Northern Utah Interagency Fire Center immediately at (801) 908-1901, and provide the location and status of the escaped fire.
17. For complete administrative access to the mine site in order to conduct inspections of the operation and for monitoring purposes, the operator must allow the BLM access to all of the placer mining claims and mill sites. This could be accomplished by the operator interlocking his lock with a BLM padlock at each of the three gates, by removing all or some of the gates entirely or by some other similar methods.
18. The "No Trespassing" sign that has been placed across the main gate (Gate #1) must be removed within 30 days of Plan approval. No other "No Trespassing" signs or other signage that gives the public the impression that the subject lands are privately owned are authorized.
19. The operator is not authorized to do any "major" improvements (complete widening or blading, etc.) to the main access road that leads north from Park Valley to the project area. The operator is permitted to conduct minor improvements to this road, including the removal of rocks or boulders to prevent flat tires or vehicle damage, but he is not permitted to stockpile or palletize this material for future sale or disposal. Any mineral materials removed from the access road must be pushed or carried to the edge of the road and be left at that location. Any major improvements to the main access road should be requested by the operator beforehand and authorized under a separate Plan Amendment or right-of-way authorization.
20. The operator is required to comply with all Federal and state laws during the course of operations.
21. Any proposed activity not authorized by this plan amendment shall not proceed without prior approval of a separate plan amendment by this office.
22. If cultural or paleontological resources are discovered during the course of milling operations, all work at the point of discovery will cease and the Salt Lake Field Manager will be notified. Surface disturbance within 100 feet of the point of discovery is not authorized until a written notice to proceed is received by the operator from the Salt Lake Field Manager.

23. Written notification will be provided to the BLM within 30 days of completion of operations and reclamation by the operator.

In addition to the stipulations outlined above, the operator must provide to the BLM a financial guarantee which will cover the estimated costs of reclamation of the site as if the BLM were to contract with a third party to complete the reclamation. The BLM currently holds a reclamation bond in the amount of \$13,000 for your original Plan approval. A reclamation estimate in the amount of \$75,114.61 has been prepared for your present-day surface disturbance. This Plan Amendment approval is subject to your submittal of an additional financial guarantee in the amount of \$62,114.61. No expansion of existing operations or other related surface disturbing activities may occur until the financial guarantee has been submitted and accepted by the Utah State Office, Minerals Adjudication, P.O. Box 45155, Salt Lake City, Utah, 84155-0155. If you have any questions regarding financial guarantees, please contact Opie Abeyta at (801) 539-4123. The financial guarantee requirements and the types of financial guarantees which are acceptable to the BLM are discussed in BLM's Surface Management Regulations at 43 CFR 3809.500. We have enclosed a copy of these regulations and our Reclamation Cost Estimate for your information.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office, located at 2370 South 2300 West, Salt Lake City, Utah, 84119, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

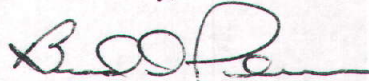
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Palmer", with a long horizontal flourish extending to the right.

Brad D. Palmer
Assistant Field Office Manager,
Non-Renewable Resources

Enclosures

cc: D. Wayne Hedberg
Utah Division of Oil, Gas and Mining